

UNITED STATES FEDERAL COMMUNICATIONS COMMISSION

In Re:)
)
FAMILY BROADCASTING, INC.)
Order To Show Cause Why the) Docket No.: 01-39
Licenses for Stations)
WSTX (AM) and WSTX (FM),)
Christiansted, U.S. Virgin)
Islands, Should Not Be Revoked)

Deposition of: Alva Clarke (Via Telephone)

Volume: 1
Pages: 1 through 78
Place: Washington, D.C.
Date: January 3, 2003

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ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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Order To Show Cause Why the)
Licenses for Stations)
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Christiansted, U.S. Virgin)
Islands, Should Not Be Revoked)

Deposition of:

ALVA CLARKE

a witness of lawful age, taken on behalf of the Federal
Communications Commission, pursuant to notice, in the
offices of the Federal Communications Commission,
Room 3A-463, 445 12th Street, N.W., Washington, D.C., on
Friday, January 3, 2003, at 9:03 a.m., before Beth Roots,
Notary Public in and for the District of Columbia, when were
present:

APPEARANCES:

On behalf of the Deponent:

MAXWELL McINTOSH, Esquire
2115 Queen Street
Christiansted, St. Croix
U.S. Virgin Islands 00820

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APPEARANCES: (Cont'd.)

On behalf of the Family Broadcasting:

LAUREN A. COLBY, Esquire
10 East Fourth Street
P.O. Box 113
Frederick, Maryland 21701
(301) 663-1086

On behalf of the Commission:

JAMES W. SHOOK, Esquire
Federal Communications Commission
445 - 12th Street, N.W.
Washington, D.C. 20554
(202) 418-1448

I N D E XWITNESS:EXAMINATION

Alva Clarke

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Deposition Began: 9:03 a.m. Deposition Ended: 10:45 a.m.

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P R O C E E D I N G S

9:03 a.m.

MR. MCINTOSH: Okay. I'll give the spelling of my name. The first name is Maxwell, M-A-X-W-E-L-L, last name McIntosh, M-c-I-N-T-O-S-H.

MR. CLARKE: Okay. My name is Alva Clarke. That's Alva, A-L-V-A, Clarke, C-L-A-R-K-E.

MR. MCINTOSH: This is Mr. McIntosh again. I'm going to administer the oath to Mr. Clarke, if that's okay.

MR. SHOOK: That's fine.

Whereupon,

ALVA CLARKE

having been first duly sworn, was called as a witness herein, and was examined and testified as follows:

MR. COLBY: May I ask one preliminary question?

MR. SHOOK: Sure.

MR. COLBY: Mr. Clarke, do you have anyone in the room with you other than Mr. McIntosh?

THE WITNESS: Just me and Mr. McIntosh present right now at this time.

MR. COLBY: And you have no representative of Family Broadcasting, Inc., present at this deposition?

THE WITNESS: Except me, sir. That's correct.

MR. COLBY: I just wanted to establish that.

MR. SHOOK: Mr. Clarke, you're going to have to

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1 speak up a little bit louder. The court reporter is having
2 some difficulty picking you up.

3 THE WITNESS: Okay.

4 MR. SHOOK: And if that means moving closer to the
5 phone or whatever you need to do, please do it.

6 THE WITNESS: Okay. I've got the phone close to
7 me.

8 EXAMINATION BY COUNSEL FOR THE FCC

9 BY MR. SHOOK:

10 Q All right. Mr. Clarke, my name is James Shook.
11 I'm an attorney at the Federal Communications Commission. I
12 will be asking you questions, and if there is a question
13 that you do not understand, please ask me to repeat it or
14 rephrase it, and I will do that. If there comes a time when
15 you need a break, please let us know, and we can take a
16 break.

17 A Okay.

18 Q If it turns out that you remember later on in the
19 deposition that there was something that you said that
20 wasn't as accurate as you would want it to be, please let us
21 know, and we can try to get the matter corrected.

22 A Okay.

23 Q Okay? All right. Could you state your full name
24 again, please?

25 A My name is Alva Clarke, A-L-V-A C-L-A-R-K-E.

1 Q And could you give us your residential address?

2 A I'm currently residing at 187 Concordia in
3 Frederiksted, St. Croix, U.S. Virgin Islands.

4 Q Are you currently employed?

5 A Yes, I am.

6 Q And where is the place or where are the places
7 that you work?

8 A I'm working right now for Family Broadcasting,
9 located in Fort Luis Augusta in Christiansted, St. Croix,
10 and I also do a part-time newscast with a local TV station,
11 UPN 27, also located in Christiansted, St. Croix.

12 Q What is your age, please?

13 A I'm 50.

14 Q Could you describe for us your current duties at
15 WSTX AM and FM?

16 A My current duties at WSTX AM and FM right now, I
17 deal mostly with the programming. I also do production.
18 I'm also in charge of the amount of employees that we have.
19 I schedule. I also do the commercials in reference to the
20 way they are scheduled on the radio, and I also on occasions
21 do have some dealings with certain clients.

22 Q And what dealings might those be?

23 A That would be in reference to air time or
24 commercials they would like to purchase on air. I would sit
25 down and explain to them how much they cost and what we

1 might be able to do for them as far as pricing.

2 Q What leeway do you have in terms of the pricing?

3 A I really have no leeway. I mean, we already have
4 a set amount of -- a price schedule that we have, and I
5 normally go by that. On occasions, you know, I might throw
6 in a little one or two extras for the client just in good
7 faith, but we normally go by the schedule that we have as
8 far as the pricing for the commercials and for air time.

9 Q What price schedule is that?

10 A I believe we charge \$7 for a 30-second commercial.
11 We also charge \$10 for a 60-second commercial, and if you're
12 interested in buying air time for an hour or a half hour, we
13 charge, if I remember correctly, about 350 for an hour air
14 time on the radio.

15 Q Was that \$350 for one hour?

16 A One hour. That's correct.

17 Q Would you then charge \$175 for 30 minutes?

18 A For a half hour. That's right. Yes, we would.

19 Q Do those prices ever vary depending on the nature
20 of the client?

21 A No, not really. I normally just go by what we
22 have scheduled. Like I said, you know, I might throw in a
23 little extra or something like that, but that's as far as it
24 goes.

25 Q Have there been any clients that have purchased

1 blocks of time of either 30 minutes or one hour in the last
2 year?

3 A Yeah. I would say so. For instance, the majority
4 of those people would probably be our church service -- on
5 Sundays. They are very much interested in purchasing a half
6 hour or an hour air time. Then also we had the past
7 election there was a lot of candidates inquiring about
8 purchasing air time, so, yeah, we did have a good amount
9 this past year, I would say.

10 Q With respect to employees, do you have the
11 authority to hire or fire employees?

12 A I can recommend. I don't think I have the
13 authority to hire or fire anybody. What I would do, I would
14 recommend to Barbara, who is our general manager right now,
15 I would suggest that we have somebody who might be
16 interested. Maybe if you could speak to them and get a
17 feeling from them, then that would be Barbara's decision.

18 Q How long has that been Barbara's decision?

19 A Ever since she took over the operations, and I
20 would say from the time we got the notice from the FCC, and
21 then from what I understand, if I remember correctly, she
22 had to take over the operation because of whatever reason it
23 was that we were getting -- how can you call it? -- notified
24 from the FCC that we were in trouble. I would say maybe a
25 couple of years now Barbara more likely took over the full

1 operation.

2 Q Okay. I would like to clarify that if I could.

3 In terms of Barbara, as you put it, taking over the
4 operation, for what period of time or how long ago did this
5 take place?

6 A You know, roughly speaking -- I remember when we
7 first got the notice from the FCC, and then I remember she
8 had to go up there for a couple of weeks or so, and then
9 when she came back, she more likely informed me that, you
10 know, she was going to be taking over the operations from
11 her father. I'm going to say roughly maybe about ever since
12 we got the deposition notice from you guys. I believe maybe
13 about two years now, I think, roughly. I can't remember
14 exactly.

15 Q All right. Well, to help you put perhaps a more
16 accurate time frame on this, Barbara was deposed in May of
17 2001.

18 A Okay. You're probably right because, like I said,
19 I'm not too up on the dates of when we got the notice and
20 all of this stuff, you know.

21 Q All right. So when would it have been, with that
22 deposition time in mind, as to Barbara taking over?

23 A I really can't give you no specific time or date,
24 you know. The only thing I remember is when she came back,
25 and she explained to me that everything is more likely going

1 to have to be in her name, but to really give you a specific
2 date, Mr. Shook, I really couldn't tell you when.

3 Q In terms of your current job duties, how long have
4 you been doing those?

5 A I've been working at STX roughly since about '90-
6 '91, I believe, and I've been with them at that time on --
7 even before then at one point. When they first purchased
8 the station, I was working with them, and what happened, I
9 had gotten a better position with another radio station, and
10 I decided to move on with them, but then later on down the
11 line, you know, I got a call back from the father at the
12 time who was in charge and asked me to come back, and I
13 decided to come back.

14 Q Could you put some dates on that, please?

15 A Gosh, I can't. I don't know what dates.

16 Q Well, you had mentioned that you were working at
17 the radio stations in '90 or '91. Were you saying that
18 there was a period of time after that that you left WSTX AM
19 and FM?

20 A In '90, '91, no, no, no, no. From that time on, I
21 was still employed here at WSTX. I haven't left after that
22 time.

23 Q Your employment from 1990 has been continuous at
24 WSTX AM and FM?

25 A Right.

1 Q Now, in terms of your current job duties,
2 approximately how long have you had those?

3 A Well, you know, I started out as an announcer, and
4 as the years went on I more likely built myself up as far as
5 doing production. I would roughly say I maybe took over the
6 production role or production manager role maybe around
7 about six, seven, eight years ago.

8 Q All right. And then in terms of your dealing with
9 clients, your sales responsibilities?

10 A I would say roughly about the same amount of time
11 because when I got into that position a lot of clients was
12 coming up to me in reference to asking me about pricing and
13 air time and all of that stuff, so I would say maybe around
14 about the same time.

15 Q Have the prices changed over time?

16 A Not that I know of. From what I understand, they
17 are still the same.

18 Q In other words, when you started your sales
19 responsibilities, the prices that you quoted to me before,
20 the \$7, the \$10, the \$175 for 30 minutes, and the \$350 for
21 60 minutes, are you telling us that those prices have not
22 changed?

23 A Well, I don't know what sort of pricing they had
24 before that time that I was employed by them, but from what
25 I understand I know since I've been there those were the

1 prices that we were quoting to our clients at that time.

2 Q Has there been any discussion that you're aware of
3 in the last six or seven years regarding changes of prices?

4 A Not with me. Maybe on occasions we might have
5 spoken about, you know, we'd have to maybe either deduct or
6 maybe add on this, but nothing major has happened as far as
7 changing any prices from what I know.

8 Q In terms of your dealing with employees, the
9 recommendations that you said you made in terms of adding
10 somebody on or perhaps letting somebody go, how long have
11 you been doing that?

12 A I would say maybe around about six, seven years,
13 since I more likely started the program director position.
14 I would say roughly about that time, too.

15 Q Now, you mentioned Barbara before. I take it that
16 the Barbara in question is Barbara James Petersen.

17 A That's correct.

18 Q How long have you known her?

19 A A number of years. I assume maybe from the first
20 time her father purchased the station. If I remember
21 correctly, I believe it was around about '89. So let's say
22 from '89 up to now I probably have known Barbara.

23 Q How did you come to meet her back in the late
24 eighties or early nineties?

25 A Through the radio station. When her father first

1 purchased WSTX, we had a general meeting, and she was one of
2 the people that was there at the meeting, and that's when I
3 had my opportunity to meet her.

4 Q What role, if any, did you understand her to have
5 at the radio stations at that time?

6 A At that time, she was -- her title at that time, I
7 believe, was the general manager.

8 Q What was your understanding in terms of what it
9 was that she was supposed to do as general manager?

10 A Well, a general manager's responsibility, as far
11 as I know, is to make sure that the operation of the radio
12 station is going well and also, you know, to keep things
13 intact, I assume.

14 Q How long did she function as general manager?

15 A From '89, I'll say, maybe to about ninety -- I
16 don't know. That's hard to say. I really couldn't answer
17 that question. I have no dates for that.

18 Q All right. Approximately how many years?

19 A Roughly, let's say maybe for about two years.

20 Q Roughly, two years? Is that what you said?

21 A Yes, sir.

22 Q What happened at that point?

23 A If I remember correctly, I believe Barbara had
24 left at the time and went up to the States. Then when
25 Barbara left to go the States, that's when her father had

1 more likely took over the operations.

2 Q Are you saying that when Barbara was general
3 manager in the early period that her father was not actively
4 involved in the operation of the stations?

5 A When she was general manager -- well, at that time
6 they had just purchased the station. I was under the
7 assumption that they both were making decisions as far as,
8 you know, whatever they might have wanted for the station.
9 That was between them two.

10 Q Okay. I'll tell you what. When you speak in
11 terms of I assume something or the assumption is, that's
12 generally not going to advance the ball, if you will. So if
13 I ask you a question, and you don't know, you can say you
14 don't know.

15 A Okay. All right. Okay. Well, that one, I'm not
16 too sure about. I wouldn't know about that one.

17 Q At the earlier point when Family first purchased
18 the station, are you saying that your dealings with
19 management were with Barbara?

20 A No. Mostly with Luz. You've got to understand,
21 at the time when they took over the station, you know,
22 everything was new to them and to us also, and the
23 impression I got was Luz was the general manager, and
24 Barbara was the station manager, so I just figured, well,
25 those two was running the show.

1 Q Well, who did you deal with?

2 A Mostly Luz at the time.

3 Q And what were the nature of your dealings with
4 him?

5 A I mean, just minor things as far as programming,
6 getting certain programs on the air or maybe discussing -- a
7 client might have called us and said, well, look, I'm
8 interested in purchasing an hour. My duty at the time was,
9 well, Luz, we've got a client who would like an hour. What
10 hour do we have available for them, and if we do have it
11 available for them, what time, and all of that stuff?
12 That's as far as my duties went.

13 Q What were your dealings with Barbara?

14 A Barbara, at the time -- well, like I said, it was
15 more likely between her and Luz. I mean, it was like two
16 people I had to answer to at the time, you know, either
17 Barbara or Luz. All right? If you ask me, Luz was the
18 general manager, since he purchased the station, and at the
19 time Barbara was the station manager, you know. But if I
20 had any sort of maybe decisions, since Luz was the general
21 manager, I would more likely speak to him about it.

22 Q Were you ever offered an ownership interest in
23 Family Broadcasting, Inc.?

24 A No, sir, not me.

25 Q Were you aware that other individuals besides the

1 Luz James family purchased or owned stock in Family
2 Broadcasting?

3 A I had heard some rumors about it, but I didn't
4 know anything of it. Somebody was telling me that he was
5 purchasing stock, but I didn't know anything about that.

6 Q You've never seen any stock certificates.

7 A Nothing goes through my hands. I've never seen
8 it.

9 Q Did Barbara ever tell you that individuals had
10 purchased stock in Family?

11 A No, she didn't, no.

12 Q Did Luz ever tell you?

13 A No, he didn't either. You've got to understand,
14 Attorney Shook, down here is a very small community, you
15 know, and when rumors start flying, the whole island knows
16 right away. So for me to say that Luz came out and told me,
17 no, he never told me anything. Neither did Barbara. But in
18 passing somebody in the street, you know, somebody says, oh,
19 I heard, you know, they were selling stocks, and that's as
20 far as it went with me.

21 Q Has your working relationship with Barbara James
22 Petersen changed over time?

23 A No. The only thing that might have changed with
24 me, Barbara, and the radio station right now is this
25 hearing, you know, because, to be honest with you, I'm kind

1 of like taking this personal myself because this is my
2 j.o.b., and I enjoy my work, you know. I also have a family
3 to take care of, and, you know, I'm kind of like up in the
4 air because really I really don't even know still what's
5 going on. When I heard I had to be here to talk to the
6 deposition, I was kind of surprised, too, you know. But,
7 you know, our relationship, you know, more likely hasn't
8 really changed or anything like that.

9 Q How often do you see Barbara James Petersen?

10 A Ms. Petersen? I'll see her roughly maybe about
11 three or four times during the week when she comes up to the
12 radio station.

13 Q And could you describe the circumstances that
14 generally obtain?

15 A Barbara?

16 Q Yes.

17 A Well, she will come up there maybe to inquire
18 about certain clients. She will speak to me about it.
19 Maybe I might have called her earlier during the week and
20 told her, well, we've got a client who would like to speak
21 to you or something like that, and then we just really
22 discuss radio or business.

23 Q I didn't ask this before, but what are your normal
24 working hours at the radio stations?

25 A I work five days a week, Monday through Friday,

1 between eight and four-thirty at the latest. At times I
2 might be there a little later, five to 6 o'clock, if I have
3 production work to do.

4 Q Do you ever go in on the weekends?

5 A On occasions, if I'm needed, I would come in on
6 the weekends.

7 Q And if you're needed on the weekends, what is it
8 that you would generally be needed for?

9 A If I come in on the weekends, maybe it's somebody,
10 a client, who wants to do a recording of a commercial or
11 maybe just wants me to come to record a song for them or
12 something like that.

13 Q Now, do you ever see Mr. Gerard Luz James at the
14 radio stations?

15 A Not as often as we used to.

16 Q When do you see him now?

17 A Now, to tell you the truth, I very rarely see Luz,
18 and if I do see Luz, it's mostly on a Saturday. That's if I
19 decide to come in, you know, if I've got something to do.
20 But during the weekdays, I do not see Mr. James unless he'll
21 stop off to maybe just drop off some paper work or something
22 like that, but that's as far as that extent of him coming up
23 to the station that I see him.

24 Q What paper work would he be dropping off?

25 A Maybe our checks or maybe some sort of public

1 service announcement or maybe he'll drop off a commercial
2 and ask me, "Al, can you cut this for me for a client?" or
3 something like that.

4 Q The public service announcements; do you know what
5 role, if any, Mr. James has with respect to their
6 preparation?

7 A No, I don't. No, I don't. You've got to
8 understand, we have a fax machine. Sometimes we'll get it
9 through the fax. At times people will come up to you and
10 drop off a piece of paper or public service announcements.
11 So, you know, that's as far as I know about that.

12 Q Now, with respect to Barbara, you mentioned you
13 see her a couple of times a week. When she comes to the
14 radio stations, how long does she stay?

15 A There has been many times, Mr. Shook, where I know
16 I left Barbara there. All right? For me to give you
17 specific hours, how long she would be there, I really can't
18 tell you.

19 Q Well, in your experience over the last two years,
20 what would be the normal time that Barbara would be at the
21 radio stations?

22 A I would say normally about a six- to eight-hour
23 day.

24 Q And this would be every day, Monday through
25 Friday?

1 A I didn't say every day. On occasions, you know.
2 Maybe she has something else to do as far as -- I mean, I
3 don't know what she does personally when she goes home, but
4 I know on occasion she might have some sort of dealings to
5 do with the station, I assume, and then she will come up and
6 just talk business or radio talk to me, and that's about it.

7 Q Do you know if there are ever occasions when she
8 is away for an extended period?

9 A Yes. For instance, when she had to go up to D.C.
10 for the FCC, you know, she went up there for, I think, about
11 a week or two. Then I understand she is supposed to be
12 going back up there again some time this month.

13 Q Are you aware of any other times when she has left
14 the islands to go to the continental United States?

15 A Maybe as a visit, you know, relatives, I guess.

16 Q Do you know how often that takes place?

17 A No. I couldn't tell you. I don't know. I don't
18 know.

19 Q Do you have occasion to see Barbara James Petersen
20 outside of the radio stations?

21 A On occasions maybe in passing, you know. We might
22 pass each other on the street or something like that.

23 Q What you're talking about, though, is by
24 happenstance.

25 A What do you mean?

1 Q Well, it just happens by luck. It's not something

2 --

3 A Yeah, yeah, yeah. Right. Yeah, you know.

4 Q It's not something that you would see her at a
5 place outside of the radio stations on a regular basis.

6 A No. I mean, not unless I have something important
7 to mention to her or to bring to her. I might stop by her
8 house and, you know, drop it off and discuss it with her,
9 but that's as far as that goes.

10 Q In terms of her house, do you know who it is that
11 she lives with?

12 A She lives with her father, Mr. James, Sr.

13 Q And do you know who else resides at the house?

14 A Mrs. Asta James, Mr. James' wife, and, I believe,
15 Barbara and her two kids.

16 Q Do you know if anybody else lives at the house?

17 A Not that I know of.

18 Q Now, in terms of Mr. Gerard Luz A. James, do you
19 know -- how long is it that you've known him?

20 A Luz, I'll say maybe around 1989 to when they first
21 purchased the station.

22 Q And how often would you see him at that point?

23 A Well, in the beginning, you know, he was up there
24 kind of often, and as the years went on his presence at the
25 station wasn't there as much, and then finally, when we got

1 the notices from the FCC, he really stopped coming up there
2 a lot.

3 Q Prior to the notices that you're referring to from
4 the FCC, would Mr. James be at the stations Monday through
5 Friday on a regular basis?

6 A I wouldn't say Monday through Friday, no. It was
7 mostly during the weekends, on Saturdays, and I think he had
8 some sort of program on Sundays, too. But, you know, when
9 they first purchased the station, he was up there very
10 often, I guess, more likely trying to get things prepared
11 and feeling out the station, and then as the months went on,
12 you know, he kind of slacked up.

13 Q Are you aware of any health difficulties that Mr.
14 James has had?

15 A Yeah. I think he had a bypass surgery some time
16 ago.

17 Q Are you aware of any other health matters
18 concerning Mr. James?

19 A Not that I can remember, Mr. Shook.

20 Q How would you describe Mr. James' health at the
21 moment?

22 A Well, he looks pretty fit to me. I know for one
23 thing he is doing a lot of walking and running, so he seems
24 to be, I would say, maybe in tip-top shape for a man of his
25 age.

1 Q And what do you understand his age to be?

2 A I don't know. Luz is always saying he is 69. I
3 think Luz is 71, I think.

4 Q Do you know Gerard Luz A. James, Jr.?

5 A Yes, sir. He is a former lieutenant governor of
6 the Virgin Islands.

7 Q How long have you known Mr. James, Jr.?

8 A I'll say about the same time that I met Barbara
9 and Luz, which is around about '89 when they first purchased
10 the station.

11 Q How is it that you came to meet Mr. James, Jr.?

12 A Well, in passing. He might have came up there to
13 introduce himself and say, well, you know, I'm Luz, Jr., or
14 whatever, or somebody might have pointed him out to me, you
15 know, that's Luz's son over there, stuff like that. That's
16 how I met him, through the station.

17 Q Would Mr. James, Jr. come to the stations at all?

18 A No, no. When you say "at all," I mean, you know,
19 as far as maybe to do business, no, because, to be honest
20 with you, Junior really didn't have much dealings with the
21 station. From the impression I got, it was more likely in
22 Barbara and the father's hands, the station.

23 Q Well, the question that I asked was whether Mr.
24 James, Jr. came to the stations at all.

25 A Yeah. Uh-huh. Yeah. I guess just to see how

1 things are going, just to stop by, or maybe just to see if
2 we needed a hand or help or anything like that.

3 Q Roughly, how often would he come to the stations?

4 A Around about two times every three months.

5 Q And was that constant from the time Family
6 purchased it, or did it change?

7 A No. I wouldn't say that was a constant, no, uh-
8 uh. I mean, it wasn't as if we were seeing his face every
9 day of the week. All right? It might have been occasions
10 he might have came up there to find out, well, what do you
11 need to help the station run better, or maybe I can purchase
12 something, or maybe I can buy a tape deck or something like
13 that for you.

14 Q Would he actually purchase equipment for the
15 stations?

16 A I know on one occasion there was a tape reel that
17 he had brought up to the station that we really did need at
18 the time.

19 Q And roughly, when did that take place?

20 A Around about '89, I guess.

21 Q In the very beginning.

22 A Yeah. Uh-huh.

23 Q During the period when Mr. James, James, Jr., was
24 lieutenant governor, how often would you see him?

25 A We seen him not a lot. I'll tell you why. You

1 know, especially with politics down here, we understand the
2 point that working in a radio station, being a political
3 season at the time that we would have to give the candidates
4 the same amount of air time. So he was well aware of that,
5 and it wasn't as if he came up to the station to go on the
6 air all of the time either, but he was well aware that if we
7 did put him on, it might have been a problem for us. So it
8 wasn't as if he came up there on a regular basis to go on
9 the air or to push his position.

10 Q At this point I'm not so much thinking of him
11 going on the air as I am thinking of him just coming to the
12 radio stations at all.

13 A Uh-huh.

14 Q So my question is, during the period of time when
15 he was lieutenant governor, how often would you see Mr.
16 James, Jr. at the radio stations?

17 A Not often, not often. All right? Do you want me
18 to give you a rough estimate? I'll say maybe about once or
19 twice every four or five months.

20 Q When he did come to the radio stations, why was he
21 there, so far as you knew?

22 A At the time, from what I know, when Luz, Jr. would
23 come up there, his position would be at the time as far as
24 us needing anything for the station.

25 Q Would you interact with him personally?

1 A Yes. On occasions I would have, yes.

2 Q When he asked the question, was there anything
3 that the radio stations needed, what would you tell him?

4 A Well, the only thing I can remember at that
5 particular time that I discussed with him was the tape reel
6 that he had brought up to us at the time. All right?
7 Anything else that he might have brought up to the radio
8 station, I wasn't aware of.

9 Q What did you talk with him about the tape reels?

10 A Well, for instance, you know, working a radio
11 station, a tape reel is very important, especially me,
12 myself, when I do a production or commercials I would need a
13 tape reel in order to put other audios on tape, or in order
14 to prepare a better commercial, I would need a reel tape.

15 Q So did Mr. James, Jr. give you different equipment
16 at some point?

17 A When you say "different equipment," the only thing
18 I know that Luz, Jr. brought up at the time was the reel,
19 and that was about it.

20 Q And that was what you referred to before back when
21 the radio station started up.

22 A Yes.

23 Q You're not aware of any other equipment that he
24 has brought to the stations in the meantime.

25 A No, sir, not that I know of, no.

1 Q So those tape reels that he brought up in 1989 or
2 1990 are still working?

3 A No, they are not, no.

4 Q They have been replaced?

5 A As a matter of fact, they are still working, but
6 we very seldom use them due to technology now, you know.
7 Everything is more likely digital, but at the time, you
8 know, we didn't have it, and we really needed it at that
9 time.

10 Q So at least in terms of production work, you've
11 switched from reel to reel to a digital piece of equipment.

12 A I'm going to tell you something. To tell you the
13 truth, right now at this point we have most of the digital
14 equipment up there. Okay? The majority of the stuff that
15 I'm working with right now is more likely cassettes and old
16 carts.

17 Q All right. I guess a way of putting it would be
18 relatively primitive technology.

19 A You're putting it very gently there, Mr. Shook.
20 Thank you.

21 Q Why is it that the equipment hasn't been upgraded,
22 so far as you know?

23 A Mr. Shook, that's a question you would have to ask
24 of Mr. James and Mrs. Petersen.

25 Q That's not something you've discussed with them?

1 A You're asking my opinion? I feel maybe they don't
2 have the money to purchase the equipment. That's my
3 opinion.

4 Q Well, my question was whether or not you had
5 actually discussed with them any reasons as to why. I
6 understand that you may have some speculation in terms of
7 what the reason may be, but, more specifically, I'm just
8 focusing on whether you had any conversations with them to
9 discuss why equipment hasn't been upgraded.

10 A At times there has been discussion. All right?
11 And from the impression I got, you know, they needed money
12 to purchase certain items which they didn't have at the
13 time, or from what I understand, maybe they still don't got.
14 I don't know. But from the impression I know of -- all
15 right? -- they didn't have the money to purchase certain
16 equipment that we probably still need up to now.

17 Q Do you know whether any possible equipment
18 purchases have been discussed with Mr. James, Jr?

19 A No, no, no. As far as I know, I haven't heard no
20 discussion like that with Mr. Junior.

21 Q Do you know whether Mr. James, Jr. has contributed
22 any money to the operation of the radio stations?

23 A I can honestly tell you that Mr. James, Jr. has
24 not contributed any money -- all right? -- to the operation
25 of the station. Maybe just the reels, as far as I know, but